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February 27, 2018

Honorable Norman K. Moon
Senior United States District Judge
United States District Court
255 W. Main Street
Charlottesville, Virginia 22902

Dear Judge Moon:

Counsel for Ms. Gorcenski and Mr. Goad write to you today regarding several matters in the above-captioned case, namely: in response to the Court's scheduling order issued February 13, 2018 (Docket No. 10), and to request that the Court order that this case be re-captioned under Ms. Gorcenski's true name.

On February 13, 2018 the Court issued a scheduling order directing the parties to confer and develop a discovery plan as required by Rule 26(f). Counsel for Ms. Gorcenski and Mr. Goad have repeatedly attempted to contact and confer with Mr. Woodard, counsel for Christopher Cantwell, regarding the development of such a plan. To date Mr. Woodard has communicated with counsel to confirm that he intends to amend the complaint in this matter, but has been unresponsive to counsel's requests and offers to confer in order to complete a jointly proposed discovery plan and scheduling order.

In light of our inability to confer with counsel for Mr. Cantwell in order to develop a discovery plan, counsel for Ms. Gorcenski and Mr. Goad are today submitting a proposed discovery plan that was developed without Mr. Woodard's input. Counsel for Ms. Gorcenski and Mr. Goad remain willing to confer with Mr. Woodard but felt that our obligation to honor the Court's February 13 order was paramount. In the event that the plan proposed to the Court is deficient or otherwise unacceptable,

counsel for Ms. Gorcenski and Mr. Goad request that the Court issue an order clarifying the parties' responsibilities.

Counsel for Ms. Gorcenski also requests that the Court issue an order to recaption this matter as "Christopher Cantwell v. *Emily* Gorcenski, et al" (emphasis added) to reflect Ms. Gorcenski's true name. As the Court can see, the case is currently captioned "Christopher Cantwell v. Edward Gorcenski, et al" because Mr. Cantwell filed his initial pleadings using Ms. Gorcenski's birth name. Ms. Gorcenski is a woman whose name was changed by court order, and whose birth certificate, driver's license, social security card, and passport all reflect that she is a woman named Emily Florence Gorcenski, a fact known to Plaintiff/Counter-defendant Cantwell and his counsel. All parties involved in litigation of the ongoing Albemarle County criminal cases against Mr. Cantwell that are the underlying subject of the present action refer to Ms. Gorcenski as "Emily Gorcenski," "Ms. Gorcenski," and use the pronouns "she," "her," and "hers" when referring to Ms. Gorcenski. See e.g., Commonwealth v. Cantwell, Albemarle Circuit Court Case No. CR17000784 (certified from the General District Court under GC17011628), November 9, 2017 Preliminary Hearing Tr. 279-280 (Counsel Woodard referring to Ms. Gorcenski as "Emily," "Ms. Gorcenski," and with the pronouns "she" and "her" before the Albemarle County General District Court), 285 (the Honorable William G. Barkley of the Albemarle County General District Court referring to Ms. Gorcenski as "Emily Gorcenski" and "Ms. Gorcenski" using the pronoun "she"). We are deeply troubled by the Plaintiff/Counter-defendant's repeated use of Ms. Gorcenski's former name and the pronouns "he," "his," and "him" to refer to our client; the Plaintiff's use of Ms. Gorcenski's former name and masculine pronouns to refer to Ms. Gorcenski in the case caption and pleadings is a form of extraordinarily public and intentional harassment which causes Ms. Gorcenski undue humiliation, embarrassment, and anxiety.

Courts regularly honor parties' names, gender markers, and pronoun preferences - the Supreme Court of the United States recently admonished two amici curiae in the Gloucester County School Board v. G.G., ex rel. Grimm (Sup. Ct. No. 16-273) case for misidentifying the transgender male plaintiff as "her" in the captions to their respective briefs, despite the amici contention that the Plaintiff's pronouns and gender identity was a matter of subjective opinion. See Letter from S. Harris to M. Staver, Feb. 24, 2017, available at <https://www.scribd.com/document/340234389/16-273-Letter-to-Amicus-Atty-Staver>; Letter from S. Harris to J. Eastman, Feb. 24, 2017, available at <https://www.scribd.com/document/340234327/16-273-Letter-to-Amicus-Atty-Eastman>. Counsel

respectfully requests that this Court recognize that Ms. Gorcenski is a woman and thereby order that the caption in this matter be changed to reflect her name: Emily Gorcenski. In the event that Court would prefer that this request be made by formal motion, Counsel for Ms. Gorcenski requests that the Court inform Counsel as soon as practicable so that such a motion may be filed on Ms. Gorcenski's behalf.

Respectfully Submitted,

Sandra C. Freeman
Counsel for Emily Gorcenski
Counsel for Kristopher Goad

cc: Elmer Woodard
Counsel for Christopher Cantwell